



# IMPACT

1884 Como Avenue ~ St. Paul, MN 55108 ~ Phone: 651-645-6272 ~ Fax: 651-645-7518 ~ Email: members@mnasa.org

Spring, 2015

## Reflecting for Clarity

by Cherie Johnson  
MASE President & Executive Director  
Goodhue County Education District and  
Jillynne Raymond  
Assistant Director, Goodhue County Education District

Recently, a group of educators and I were talking and each individual in the group had pressing issues that were pulling on their time. It was evident that they were not only pulling on their time, but also tugging at their focus. I understood. I was going through the same thing. Collectively, we were spiraling with the issues - there was one mandate, one demand, one priority after another. Meanwhile, it is also the time of year that we have potential new mandates coming from the legislature, which weighed heavily on our minds. It was too much. It was time to take a breath and reflect. We spent time reflecting on the issues, which was clearly our attempt to find the logic necessary for decision making and to move forward. As we did so, we kept coming back to the question, what is most important here? Very quickly, we came to a common theme - our students. It feels as if we have a bazillion issues pulling us in different directions. The reality is that we have one issue: our students have needs. We have one focus: student-centered learning.

According to founder and chairperson of the International Center for Leadership in Education, Bill Daggett, Ed.D, our group was discussing the "fog." He describes the fog in his February 2015 article, *Finding Clarity Amid the Fog of External Demands*:

*How Rapidly Improving Schools and Districts are Taking Control and Putting Students First.* The fog is the culmination of the outside forces that schools face every day. The demands come from all around: the federal government, the state government, our local governing boards, the media. While we are not able to ignore the demands, Daggett has identified four critical components from successful student-centered learning schools:



Cherie Johnson

1. Academic Tenacity or Grit
2. Proactive Parent and Community Engagement
3. Methodology
4. Content

I love thinking of learning as grit. Successful schools keep the focus on student learning and do not shy away from the challenging conversations on why learning is challenging. In special education we need to help students learn new behaviors all the time. Learning is a behavior and it is hard. We need to do all that we can to build our students' ability to persevere and thrive in their learning. Have we created the safe conditions for them to learn? Have we helped them learn that learning is hard? Have we helped them learn that we fall down when we are learning?

While helping our students learn how to learn, what conversations are we having with our parents and with our community? If we are helping our students understand that learning is challenging, are we helping our parents and our community understand as well? Are we working with parents that demand

**Reflecting...**  
**Continued on Page 3**

inside ...	
Effective, Efficient, and Engaging .....	2
Fasten Your Seat Belts.....	4
2015 MASA/MASE Spring Conference .....	5
Results Driven Accountability .....	6
The Power and Impact of Teacher Recognition .....	7
The Slippery Slope of Truancy .....	8
Professional Learning as MASE New Leader .....	11
Your 2015-2016 President-Elect Candidate .....	12
MASE Calendar .....	13

# Effective, Efficient and Engaging

by John Klaber  
MASE Executive Director

Where has the year gone? Whether you keep track of a school year beginning after Labor Day or a fiscal year (July 1<sup>st</sup>) we are more than half way through it. In fact, as you read this take heart that even your most challenging student may be making graduation party plans. By contrast, the challenge of anticipating and planning for staff openings should have begun. This is increasingly more important as the pool of potential candidates is becoming even more shallow. I want to challenge you to consider thinking about how we attract and keep the best educators. To that end, I want to share with you three key words and associated concepts to consider.

Effective, Efficient and Engaging.

Is what you are doing in support of students something that staff, both new and returning, recognize as effective? No one wants to be aligned to a process or system that fails to demonstrate positive outcomes for our students. Take some time to carefully consider what you are doing and make sure that it is based solely on its demonstrated effectiveness. Team members will remain on a team and be strong contributors to that team if they see themselves part of a successful and productive system. To use a sports analogy, consider how professional athletes are drawn to teams with a history of success and in some instances accept less pay. The same holds true for your teachers and staff. They want to be part of an effective program or district. Prospective candidates have the Internet to ferret out those systems recognized as highly effective. How are you spreading the news about your successes?

Is what you are having your staff do on a daily basis an efficient use of their time? Paperwork and due process activities may not be considered as representative of the most efficient parts of the workday. There is a place for it and a value to doing it well. But have you considered ways in which your staff will recognize that they are allowed to work efficiently on behalf of their students? Has technology been made available to them, as it is for their students? Have you considered how clerical support might be provided? Have you spoken with your legislator about the challenges imposed by a system that values process over product? I expected an absolute deluge of new teacher candidates from Wisconsin, but I wonder whether potential candidates considering a move are balancing the perceived volume of paperwork required of special educators in Minnesota versus

the new work and contract climate in Wisconsin.

Why do folks engage in the profession of special education instruction and services? There may be as many reasons as there are educators, but for me as a prospective employer, I was looking for an individual whose sense of self worth as a professional was intertwined with their ability to expand their knowledge and improve the lives of students with disabilities. I often found those individuals were willing to take on the most challenging of students because they felt so engaged in the learning process. They were also the same individuals who sought a role in helping to plan for and design systematic improvements in how we delivered services. So, the question is, to what extent have you helped to foster relationships that encourage and reward staff members as contributors to improve your district's system of services and supports for students with disabilities?



John Klaber

As I visit with your legislators, I routinely ask them to keep those three words in mind when they consider new legislation. Will it enhance our effectiveness, improve our efficiency and help to make the profession of special educator an engaging career that attracts the best and the brightest to serve our students with disabilities? If not....don't do it!

In closing, it continues to be my privilege to serve you, the members of MASE. Our organization, like most others, relies inordinately on the efforts of a small number of individuals to create the "rising waters that raise all boats." We are fortunate to have those folks and the extent to which we can increase their numbers, we increase the effectiveness of MASE. Please consider volunteering for the various committees, task forces and opportunities to testify before the legislature...be more than a boat.

**IMPACT** is your newsletter and we encourage your input! If you have ideas or an article to share, please contact us at the MASE offices—(651) 789-4061 or email us at [aranallo@mnasa.org](mailto:aranallo@mnasa.org).

**IMPACT**  
**Spring, 2015**

IMPACT is a publication of the Minnesota Administrators for Special Education,  
© copyright, MASE. No endorsement of products or services is intended.  
Send materials to be considered for publication to:

**Mia Urick**

Director of Professional Development  
1884 Como Avenue • St. Paul, Minnesota 55108  
(651) 645-7231 • FAX (651) 645-7518  
urickm@mnasa.org

**2014 - 2015 Board of Directors**

President

**Cheryl Johnson**

Executive Director, Goodhue County Education District

President Elect

**Todd Travis (2014-15)**

Director of Special Education, Midwest Special Education Coop

Past President

**Kim Gibbons**

Director of Special Education, St. Croix River Education District

Secretary

**Julie Ladwig**

Director of Special Education, Waseca Schools

Treasurer

**Lori Fildes**

Director of Special Services, Wayzata Schools

Area A

**Dustin Hinckley (2014-16)**

Special Education Supervisor, Bemidji Regional Interdistrict Council

Area B

**Nathan Lutzka (2013-15)**

Special Programs Director, Hibbing Public Schools

Area C

**Bardie Skjonsberg (2014-16)**

School Psychologist/Director of Special Education, Frazee-Vergas Public Schools

Area D

**Douglas Millaway (2013-15)**

Executive Director, West Central Education District

Area E

**Diane McCarron (2012 - 16)**

Director of Special Education, SW/WC Service Coop

Area F-1

**Erin Toninato (2013-15)**

Director of Special Education, River Bend Education District

Area F-2

**Dan Armagost (2014-16)**

Director of Special Education, S MN Sped Cons/Glenville-Emmons Schools

Area G

**Mary Kreger (2013-15)**

Director of Special Education, Rosemount-Apple Valley-Eagan Public Schools

Area H

**Laura Pingry-Kile (2014-16)**

Director of Special Services, Eastern Carver County Schools

MASA Component Group Representatives

**Darren Kermes (2011-17)**

Executive Director, Southwest Metro Educational Coop

**Nan Records (2009-15)**

Director of Special Education, Sherburne-North Wright Special Education Coop

Retired Representative

**Gary Woodward (2013-15)**

National CASE Liaison

**Jill Skarvold (2014-16)**

Director of Learner Support Services, Moorhead Area Public Schools

MNCEC Liaison

**Marcy Doud (2013-15)**

Director of Special Programs, West. St. Paul-Mendota Heights-Eagan Area Schools

Executive Director

**John Klaber**

## Reflecting...

### Continued from Front Cover

only a letter grade that they can visualize? If so, are we helping them understand the process of students learning skills and what a grade may - or may not - mean in that process? Successful schools are engaging parents and community members in the learning discussion. Let's face it. The stories are told out there...at the dinner table, in the local diner, in social media. Shouldn't we, the educators, be a part of the storytelling?

Successful schools also pay attention to methodology. I believe it was called pedagogy when I did my undergrad work. Others call it instructional practices. Whatever you call it, we need to pay attention to how we deliver instruction, how we facilitate learning. Are we making the adjustments to the methods we use to be successful? Our time with our students is limited. Isn't it morally sound that we adjust our practices for the highest impact with our students.

Mmmnnnn....have I asked more questions than anything? Perhaps. Through those questions, through reflection, the clarity comes. My colleagues and I would agree with Daggett....let's keep the focus on the students in our problem solving, in our decision making, in our instructional leadership. Keep the focus and keep on breathing.

**WEST METRO**  
LEARNING CONNECTIONS, INC.  
*Developing Social Understanding and Skills Since 2001*



*Centers in Edina and Excelsior*

Our special education professionals provide a wide array of support services for schools across Minnesota

- Conduct MDE Evaluations
- IEP Development
- Functional Behavioral Evaluations
- Positive Behavioral Intervention Support Plans
- Individualized Crisis Program Development
- Alternative Crisis or Transition Placement at WMLC
- On-site Training for School Staff
- Extended School Year Programming
- Special Education Coordinator Services



**LOTUS** | Special Education Professionals  
wmlc.biz • info@wmlc.biz • (952) 322-7922

MASE builds strong leaders  
who work on behalf of  
students with disabilities.  
— Mission approved by the MASE  
Board of Directors, June 2008

# Fasten Your Seat Belts

by Brad Lundell  
MASE Lobbyist

It's always tricky to write a newsletter article that may well be out of date by the time it is printed. We are two months into the 2015 legislative session and things are moving along at a steady pace. When you read this, the ink will be dry on February budget forecast (which provides a firm idea of how much will be available in terms of financial resources for the remainder of the 2015 session) and both majority caucuses will be in the process of putting together their budget bills.

The Governor's budget recommendations came in with an additional \$392 million for E-12 education for the biennium. Added to the slightly over \$200 million in automatic base increases (most of which is due to the growth factor in the special education formula), the biennium-to-biennium increase for E-12 spending is just under \$600 million. This certainly shows a strong commitment by the Governor to E-12 education, but at the same time, I don't think it's a mystery that after two decades of erratic funding due to state and national economic issues eroding the state's financial standing, many needs will go unmet and cuts will ensue if more resources aren't put into education. So first and foremost, on the agenda of the E-12 education community is an increase in the overall budget target for education and hopefully Governor Dayton will issue a supplemental budget that accomplishes that.

One item of great interest that was totally ignored in the Governor's initial budget was that of on-going funding for the Teacher Development and Evaluation (TDE) program that took effect last school year. For districts that do not participate in the Alternative Compensation (QComp) program, there is currently no source of on-going funding for these purposes. The 2014 legislative session produced one-time money for the purposes of the TDE program, but there is no provision to help school districts with these costs beyond the current school year. Further, the 2014 law did not provide revenue to cooperative units, requiring those providers to either swallow the costs or bill their member districts to pay for them. Hopefully, both of these issues will be addressed as the Legislature continues its work.

There are two issues directly related to the special education community that will be discussed during the session. The first is the proposed establishment of a single online reporting system for Minnesota school districts to submit their special education paperwork.

This legislation was first passed in 2013 with clarifying language passed in 2014. The Minnesota Department of Education is in the process of issuing an RFP that would award the project to a single vendor. Needless to say, this proposal has caused a fair amount of consternation in the special education community, primarily because there is no guarantee that the amount of paperwork will be reduced due to the project. In fact, there is concern that having a single online reporting system could conceivably increase paperwork. Representative Drew Christensen and Senator Eric Pratt have introduced a bill, HF 804 and SF 740 respectively, which would shelve the project. Stay tuned for this one.



Brad Lundell

Another bill of interest is HF 964, authored by Representative Anna Wills. HF 964 would implement five recommendations of the 2013 Legislative Auditor's Report on Special Education. While the bill treads on some well-worn ground, particularly revisiting the places in Minnesota law and rule where we exceed Federal law and rule, if passed, the bill would give districts the option of only having to comply with Federal legislation. Perhaps the best way to sum up the fracas that will surface in the discussion of the bill was best said by Bette Davis' Margo Channing character in "All About Eve," when she uttered, "Fasten your seat belts. It's going to be a bumpy night."

As usual, I am always available by e-mail or cell phone. I can be reached at [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com) or 612-220-7459. I have been providing the membership with weekly Monday updates. If you have questions about topics discussed in these updates or other items of interest, never hesitate to contact me.



## *pulling together* *leading strong school communities*

**W**e have all heard the saying, "It takes a village to raise a child," but do we know whether or to what extent we are engaging our "villages" on behalf of our students? The fragmentation of our communities is an issue, not only for our schools, but for other community entities, as well as for individuals themselves. As leaders, we must consider how to shape and shift the conversations with our communities to include and involve all segments of our society to come together and create a common future for our students and their families. We all aspire to being a part of a healthy, inclusive, whole community in which strong relationships form a powerful infrastructure that supports us all. Join your colleagues this spring and explore, "Pulling Together ~ Leading Strong School Communities."

### Conference Highlights

**C**onferencing, networking, networking! There will be numerous opportunities to socialize with colleagues you already know, as well as grow your professional network with fellow administrators from around the state. Gather in the Fireside Room for the Welcome Reception on Wednesday evening, dine with new faces during meals, and learn together during general sessions and breakouts. Thursday's keynote speaker, John McKnight, will present "Where Change Begins," discussing community relationships and the positive impact they can have on students. Individualize your professional learning with a variety of breakout sessions! We are pleased to welcome our returning speakers, Jean Strait and Tammie Pate, who will be presenting Friday's two-part workshop that will provide knowledge, skills, and perspective to grow cultural competency for participants and teams. With over 80 exhibitors offering the innovative products and services, you'll discover the latest curriculum and technology available for your students and communities. And don't forget the Annual MASA Foundation Silent Auction, featuring our NEW online

John L. McKnight

Dr. Jean Strait

Tammie Pate



bidding app! Throughout the conference we will be celebrating our 2015 award recipients and retirees. We encourage you to take advantage of this excellent professional development opportunity! Please contact the MASE offices with any questions.

## 2015 MASA/MASE Spring Conference

March 12-13, 2015  
Minneapolis Marriott Northwest  
Brooklyn Park, MN

*Thank you to our major sponsors!*

FORECAST<sup>5</sup>  
ANALYTICS



# Results Driven Accountability: A New Way of Doing Business

by Barbara Troolin, Director of Special Education and  
Carolyn Cherry, Special Education Data Manager,  
Minnesota Department of Education

Results Driven Accountability (RDA) is a relatively new way of thinking and supporting states by our federal Office of Special Education Programs (OSEP). OSEP's vision will now have a greater emphasis on accountability and technical assistance to develop, support and strengthen educational results for students with disabilities. As a bit of background, the Individual with Disabilities Act (IDEA) states the primary focus of federal and state monitoring is to improve educational results and functional outcomes for students and to ensure that states are meeting the program requirements. What is changing is the reconceptualization of the accountability system to shift from a compliance focus to a balance between compliance and results.

Why the change? OSEP has strong data that shows a focus on procedural compliance, which states do rather well, including Minnesota, has not sufficiently impacted changes and improved results for students with disabilities. Michael Yudin, the Assistant Secretary for Special Education and Rehabilitation Services (OSERS) summarized it this way:

"Despite the focus on compliance, states are not seeing improved results for children and youth with disabilities...In many areas, a significant achievement gap exists between students with disabilities and their general education peers. We are also seeing students drop out of school. And, many students who do graduate with a ...diploma are not college and career ready."

His statement illustrates that the focus on compliance, while important, had not lead to improved results. The RDA accountability system creates a better balance and lessens some of the state reporting requirements. OSEP views the new cycle of the of the multi-year State Performance Plan/ Annual Performance Report (SPP/APR), submitted February of 2015 as an important step. Some of OSEP's core principles used to guide the RDA work include: the RDA system is developed in partnership with stakeholders, the RDA system is more transparent and understandable to the general public, and the RDA is responsive to the needs and expectations of the consumers (i.e. children and youth with disabilities and their families). Other principles of RDA include a system that drives improved outcomes, regardless of age, disability,

**RDA...**  
**Continued on Page 10**

## OFFICE OF SPECIAL EDUCATION PROGRAMS

### **RDA** Results-Driven Accountability Core Principles

The Office of Special Education Programs' (OSEP's) vision for Results-Driven Accountability (RDA) is that OSEP will target its work and investments to best support States in improving results for infants, toddlers, children and youth with disabilities. The following core principles underlie and will guide OSEP's RDA work:

1. OSEP is developing the RDA system in partnership with our stakeholders.
2. The RDA system is transparent and understandable to States and the general public, especially individuals with disabilities and their families.
3. The RDA system drives improved outcomes for all children and youth with disabilities regardless of their age, disability, race/ethnicity, language, gender, socioeconomic status, or location.
4. The RDA system ensures the protection of the individual rights of each child or youth with a disability and their families, regardless of his/her age, disability, race/ethnicity, language, gender, socioeconomic status, or location.
5. The RDA system provides differentiated incentives, supports, and interventions based on each State's unique strengths, progress, challenges, and needs.
6. The RDA system encourages States to direct their resources to where they can have the greatest positive impact on outcomes and the protection of individual rights for all children and youth with disabilities, and minimizes State burden and duplication of effort.
7. The RDA system is responsive to the needs and expectations of the ultimate consumers (i.e., children and youth with disabilities and their families) as they identify them.

# MEANINGFUL *recognition*

## The Power and Impact of Teacher Recognition

by Heidi Hahn  
Director of Special Education,  
Paul Bunyan Education Cooperative

When I go to work each day, I find myself in absolute awe of what our teachers do. The amount of energy, compassion, dedication, intelligence, and drive that they have for our students is immeasurable. They are tireless and selfless in their actions.

As leaders and administrators, we need to stop, listen, look again and recognize our teachers for their efforts and their work. And research is very clear that when we do recognize teachers, the impact is powerful for the whole system.

Principals have more satisfied teaching staff and higher levels of staff morale when they are cognizant and make daily conscious efforts to recognize and appreciate their staff. In Blase and Kirby's study (2009) "praise was the most frequently reported and perceived as the most effective" (p.10) strategy used by principals to impact teacher job satisfaction. The number one leadership practice that impacts teacher job satisfaction is the acknowledgment and recognition that the teacher receives from his/her principal. Individually talking with teachers and recognizing their accomplishments in regards to student growth and taking time to know more about a teacher beyond what they are teaching in their classroom are top leadership practices that have the most impact on teacher job satisfaction (Hahn, 2013).

Why is teacher job satisfaction so vital? A single general measure of teacher job satisfaction is a highly significant predictor of effective schools (Zigarelli, 1996). In Hattie's (2003) meta-analysis of studies regarding teacher efficacy found that "teachers' responses made up 30% of the variance of determining what influences learning the most" (Hemric et al., 2008). "Many studies indicate that social factors such as group interaction, supportive relationships, skills, high performance goals, and above all morale are the most important determinants of productivity and success in human enterprises" (Bhella, 2001, p.369).

How teachers are doing – MATTERS! Engaging your teaching staff and making a conscious effort to maximize their level of job satisfaction is vital to the success and the effectiveness of your schools! And

guess what?? It doesn't take additional dollars in a budget to make this powerful impact. What it takes..... YOU!

You need to be a leader that is hopeful, that is honest, and one that takes time to stop, listen, look again and recognize your teachers for their work and their efforts. Your teachers are doing amazing things every single day. We get so busy doing the business of education, that sometimes we forget to slow down and look at what we are doing.



Heidi Hahn

One of the teachers in the Brainerd Public Schools system that was recently interviewed regarding the school's Blue Ribbon Honor stated, "Even for teachers – it's hard work. But you know what, when you're recognized for that hard work, it makes it a little easier to keep doing that hard work." Tamie Swanson – 1<sup>st</sup> Grade Teacher – Baxter Elementary School.

There is so much to celebrate! Teachers have amazing stories to share about their students' success. Listen to their stories and share them with all your stakeholders. Recognize them, be amazed by what they do and celebrate their awesomeness!

### Minnevate!

A Minnevate! project update (July, 2014) is now available for download at:  
<http://minnevate.mnasa.org>

The report contains a summary of the December 3, 2013 launch event as well as summary of the MASA regional Minnevate! meetings from last spring. A final report with an elaborated discussion and recommendations will be released later this year.

# The Slippery Slope of Truancy and Special Education

by Nancy E. Blumstein and  
Ashley R. Geisendorfer  
Attorneys  
Ratwik, Roszak & Maloney, P.A.

It is well accepted that regular school attendance leads to academic success, benefits students socially, and establishes important habits of responsibility. Yet, with increasing frequency, educators are faced with the difficult situation where students are chronically absent from school without valid cause, but with parental consent. These situations challenge educators who want to get along with their student's parents, but recognize how socially harmful and educationally detrimental it can be for students who spend unreasonable time out of school.

The Minnesota Compulsory Instruction Law mandates that every child between seven and seventeen attend school regularly. See Minn. Stat. § 120A.22. Under the law, it is the parents' responsibility to ensure that their child consistently receives mandatory education. But schools play an important role as well. Schools are required to monitor student attendance and excuse absences when the child's physical or mental health prevents attendance at school. If a student accumulates unexcused absence over the course of a year, the school may be required to notify parents and may file a truancy report with county authorities. Minn. Stat. § 260A.03. In egregious truancy situations (seven or more unexcused absences), a student may be considered a "habitual truant" and consequently, a child in need of protection or services (CHIPS). Minn. Stat. § 260C.007, subds. 19 and 14. Moreover, in the case of young student (generally under age 12) or one that is disabled, the student's failure to regularly attend school is deemed to be the responsibility of his or her parents. Accordingly, parents who habitually refuse to send a child to school may be subject to prosecution (for a petty misdemeanor), pursuant to Minn. Stat. § 122A.34.

These actions can create antagonistic relationships between schools and parents. Moreover, the situation becomes even more precarious for special educators, given the growing trend for the parents of disabled students to rely upon the due process procedures of IDEA or anti-discrimination protections of Section 504 to defend against reports of educational neglect and truancy. Fortunately, there are steps a school can take to help avoid and defend against these types of claims.

First, it is imperative that school districts adopt a strong attendance policy and consider adopting an attendance review board. School districts only have two iron-clad obligations under the law with respect to unexcused absences: 1) to track them; and 2) to notify parents when their child has accrued too many of them. A good attendance policy will fill in the gaps left open in the law. For example, the policy should provide a procedure for parents or guardians to call in to report absences. The policy should also state under what circumstances a doctor's note will be required to excuse an absence and what information the note should contain. Moreover, the policy should address the difference between a tardy and an absence, define truancy and clearly state whether and when the school will report truancy to county authorities.

Finally, a good attendance policy should also address what services the school offers students and families who are struggling with attendance. Chapter 260A allows school districts and other community organizations and agencies to develop truancy programs aimed at keeping students in school. This gives school districts many more options than a simple referral to the county attorney for a CHIPS petition.

The school board should also determine whether the school will have an attendance review board, and if so, the policy should reflect that decision. Under Chapter 260A, an attendance review board has oversight authority over truant students referred to it by school officials. Among the board's powers is to meet with truant students and their parents and dictate interventions and truancy services. The board can, for example, require the student and his or her parent to enter into attendance contracts or agreements with the board, the breach of which



Nancy Blumstein



Ashley Geisendorfer

**Truancy ...  
Continued on Page 9**

## Truancy... Continued from Page 8

will result in a referral to the county attorney. In addition, the board can order the student or parent to participate in community service activities or counseling. If your school establishes an attendance review board, the attendance policy should at minimum define the review board's powers and state when a student will be referred to the board.

There are two primary benefits of having a detailed attendance policy. First, the policy provides parents and students notice and the opportunity to comply with the school's expectations, which should cut down on misunderstandings and inadvertent unexcused absences. Second, a detailed policy can help guard against claims that a student has been singled out for unfair treatment. Of course, even the best policy cannot defeat a claim of discrimination if the policy is not uniformly applied.

Sometimes, a parent of a special education student will keep their child home simply because they disagree with the IEP, school policy or some other facet of their child's education. Other times, a parent may suspect a child has a mental, emotional, or physical problem for which they need to stay home. In either case, if a school applies its truancy policy in response to the absences, parents may bring a complaint against the school claiming the school is discriminating or retaliating against the child based on disability. Under Section 504, parents can prove a prima facie (preliminary) case of retaliation if they show: 1) that they engaged in protective activity under the Act and the school had notice of it; 2) the school took adverse action against the parent; 3) a causal connection between the parents' protected activity and the school's adverse action. Close proximity in time between the protected activity and adverse action will allow a fact finder to infer causation. Once a parent makes out this preliminary case, it's up to the school to "rebut" it by offering a nondiscriminatory, non-retaliatory reason for the adverse action. The fact finder will consider whether the school's explanation in defense of the adverse action is pretext for retaliation. In the case of a retaliation claim based on a truancy report, a school's best defense is that it has an attendance policy which it has applied uniformly to students, disabled and non-disabled alike.

For example, in Wilson County (TN) School District, the Office for Civil Rights concluded that a district did not violate Section 504 when it imposed disciplinary sanctions against a child with an emotional disturbance for truancy and discipline issues. 31 IDELR 218 (OCR 1999). The district conducted a manifestation determination and found that the student's unexcused absences and other misconduct were willful and not the result of the student's disability. After the student accrued eight unexcused absences, the district's attendance office filed charges and the juvenile court placed the student on

probation. The OCR found that the district had not discriminated against the student as it followed the same policy with respect to five other students who did not have disabilities.

Likewise, in Marion-Florence (KS) Unified School District, the Office for Civil Rights considered a parent's claim that the district retaliated against her for her Section 504 advocacy on behalf of her daughter. 113 LRP 24703 (OCR 2013). Shortly after she advocated on behalf of her daughter, the parent decided to keep her five-year old son home after reports that he was acting out at school. After several consecutive days of missed school, the district filed truancy charges against the parent. The parent argued that the district did this in retaliation for her Section 504 activities and that the district's claim that it was following its attendance policy was pretext. OCR explained that "[p]retex may be found when a district applies its policies differently to individuals who engaged in protected activity than to individuals who have not engaged in a protective activity." In this case, the district had uniformly applied its attendance policy to all students who had a similar number of unexcused absences. The OCR therefore rejected the parent's retaliation claim.

Because the school will have to prove it applied its policy in a nondiscriminatory manner, it is exceedingly important for the school to keep good records of attendance, absences, and actions taken for all students.

Second, in addition to a good uniformly attendance policy a School District should also consider whether a student's disability may be limiting the student's ability to come to school.

Excessive absenteeism is not by itself a per se basis for suspecting that a student has a disability. Bd. of Educ. of Syracuse City Sch. Dist., 37 IDELR 232 (SEA NY 2002). But a district's child-find obligation may be triggered where there are significant absences, a reason to believe the absences are linked to a disability, and a need for services. See Dep't of Ed., State of Hawaii v. Cari Rae S., 35 IDELR 90 (D. Hawaii 2001). For example, a Hawaii district court found that a student's 159 absences, numerous behavioral referrals, and failing grades should have triggered a referral for an IDEA evaluation. Similarly, the OCR found that a Florida school district violated its child find duty when it failed to evaluate two kindergarteners who had accrued significant absences after learning that they were being treated for bi-polar disorder. Broward County (FL) Sch. Dist., 61 IDELR 265 (OCR 2013). Likewise, in Hilliard City School District, the Ohio Education Department found that

**Truancy...  
Continued on Page 10**

## Truancy... Continued from Page 9

the district violated its child find obligations when private evaluation reports clearly linked the student's attendance problems with disabilities. 60 IDELR 58 (SEA OH 2012).

After a child has been found eligible for special education, any truancy issues related to their qualifying disability should be addressed in part through an IEP. Our own federal appellate circuit, the Eighth Circuit, held that a special education student's excessive absenteeism presents an educational need that should be addressed through an IEP. In *Independent School District, No. 284 v. A.C.*, the Eighth Circuit considered whether a teenage special education student needed to receive education in an in-patient setting due to her habitual truancy. The 15 year-old student had severe emotional and behavioral disorders. She often skipped school and her district viewed her truancy as willful. Her parents believed that the student needed to receive education in an in-patient setting to ensure that she actually receive education. The Eighth Circuit agreed with the parents. In construing IDEA, the Eighth Circuit said that "the law and regulations identify a class of children who are disabled only in the sense that their abnormal emotional conditions prevent them from choosing normal response to normal situations. . . . This does not mean that the IDEA has obliterated the concept of personal responsibility or that children with disabilities cannot be punished for simple misbehavior. It merely reflects the Department's judgment that sometimes, with certain children, what looks like simple misbehavior is actually a more complicated problem whose remedy should be integrated into the child's overall program of special education." 258 F.3d 769, 776 (8th Cir. 2001).

Following the steps outlined above should help your school address truancy among its students and avoid litigation when a child with disabilities has a truancy issue. As always, your school's situation presents its own unique facts and you should contact your lawyer for more tailored advice.

## RDA... Continued from Page 6

race/ethnicity, language, gender, socioeconomic status or location. And finally, core principles ensure the protection of the individual rights of children and their families, the RDA system provides differentiated incentives, supports and interventions based on specific state strengths and challenges and encourages states to direct their resources to where they can have the greatest impact on outcomes.

To place a greater emphasis on results, what's really new? One new indicator for the states is the requirement of a comprehensive, multi-year plan that focuses on improving results for students. This State Systemic Improvement Plan (SSIP, yes, another acronym) involves strong collaboration with stakeholders, an in-depth analysis of what your state data says and what infrastructure you have, a state identified measurable result, a theory of action (what is a three word definition) and a strong evaluation plan around improvement strategies. In a recent article, I discussed the Minnesota SSIP's focus on improving graduation, with a special emphasis on certain sub-groups that have particular graduation challenges. Our SSIP has three phases of planning from 2015 to 2017 and then an emphasis on the results of ongoing evaluation and revisions to the SPP. Tall order! After identifying districts that were interested in making some improvements in the area of graduation, we are so delighted to be working with Minneapolis, St. Paul, Osseo and Duluth as our SSIP pilot sites. These districts will participate in focus group meetings with local stakeholders where they will be looking at root cause (contributing factors to lower graduation rates), then identifying some strategies to support improvement and build capacity at the local level. We will be sharing the results from our pilot districts with other districts throughout the state as we continue to support the results indicator.

## STENSWICK-BENSON SCHOLARSHIP PROGRAM

*Applications are due April 1.*

Do you know an exceptional emerging special education leader who might benefit from some financial assistance to support their studies? The Stenswick-Benson Scholarship Fund began in 1991 in memory of two Directors of Special Education: Ellsworth Stenswick from Bloomington and Loren Benson from Hopkins, who were considered pioneers in the field of special education. Throughout the years, MASE has sponsored fundraisers in the fall to support this effort and we are pleased to be able to offer scholarships each year to aspiring special education leaders. 2015 applications have been sent to Directors; if you need an additional copy, please visit the MASE website.

# Professional Learning as a MASE New Leader

by Sarah Kloecki  
Director of Special Services, Albert Lea Area Schools

Educational leadership, particularly in special education, is a rewarding journey, but it can also be a lonely one. As I reflect on my journey and where I am today, I am thankful that I was able to find supports to begin building a network and support system with colleagues and am thankful there are always other leaders willing to mentor and guide those that are in the earlier years of their leadership journey. I have been fortunate to be able to participate in the New Leaders Cohort and now the New Leaders-Year 2. Last year I participated in New Leaders as a coordinator. It was my third year working in the capacity of coordinator and I needed to learn from and with others on my continued journey of leadership. With the full support of my director I was fortunate to participate, learn and grow as an individual and leader. I remember our first meeting up at Cragun's and feeling slightly out of my element as I was in a room of individuals with various leadership roles; directors, supervisors, and coordinators. I remember feeling overwhelmed not knowing what this cohort was really all about, but as Nan began to address the group, I immediately knew I was going to learn and grow. I am fortunate that I have been a part of the listening, discussions and learning that this group has done.

You see, I am not an extrovert, but I love to work and learn with people, improve systems, change student lives, and have meaningful impacts with those around me. Leadership has always been a part of me, but being more of an introvert can make networking and connecting difficult. New Leaders provided me with a safe place to learn, ask my questions I might be afraid to ask, a place to listen and soak in others knowledge and expertise, and to problem solve.

This year I have taken my first position as a director, an often much lonelier position than I once thought. I wasn't sure if I would participate in New Leaders-Year 2 since I had to "hit the ground running" and was feeling quite unsure of myself filling the big shoes left for me. I decided it was important to set aside time for my learning and networking given the stress of a new place and new position. As I reflect on the times we have met as a continuing cohort I can say I am not sure what I will do when it "ends." This group of individuals truly supports and learns from and with one another. Our topics have varied, but

are important; ranging from program structures, teacher evaluations, day treatment, transportation, FINANCE, caseloads, para-educators, staffing patterns, finding staff to hire, health services, and the list goes on.

When asked to contribute my experience with New Leaders I thought they emailed the wrong person. My thoughts were "how would they know me and who I am?" and "why would they want to hear about my experience?" Those that know me know that I am a pretty quiet learner. I like to observe and absorb, I am slow to network and voice opinions, but I am compassionate and truly enjoy learning and growing from others and experiences. New Leaders, as well as many great leaders and mentors along my way, have helped me grow as a person and leader and without the experiences, networking, and professional energy we would not continue to move forward as a collective leadership group. Growth and change truly takes a village, and with my experiences, New Leaders, mentors and colleagues, I am fortunate that my village keeps growing. While the journey often has hills and valleys, I think we are all fortunate to be in the journey together. As a participant of New Leaders - Year 2, I highly recommend this cohort experience to new educational leaders in special education.



Sarah Kloecki

## MASE Leadership Issues (Formerly "Rural Issues")

Thursday, April 16, 2015  
10 am - 2 pm  
Sauk Rapids Government Center

MASE "Rural Issues" has a new name - MASE Leadership Issues! We changed our name to remind all of our members that they are welcome to these popular meetings. Join your colleagues from across the state for good company and great discussion about current topics in special education leadership.

Hope to see you there! Questions? Call (651) 645-6272.

Thanks to Duane Borgeson, Executive Director, Benton-Stearns Education District, for arranging the venue.

# Meet Your 2015-2016 President-Elect Candidate

by Mary Clarkson  
Executive Director of Special Programs,  
Richfield Public Schools

I am honored to be nominated for the position of president – elect for the Minnesota Administrators for Special Education. Given the opportunity to serve our organization in this role, I will continue the critical work of MASE and its mission to build strong leaders who work on behalf of students with disabilities. I have had the privilege of serving on the MASE board, serving as chair of the Area H regional directors, and have participated as a MASE representative on several MDE taskforces and committees with our partner organizations. Currently I am a member of the MASE legislative and nominations committees. Through this work I have partnered with many of you to support and lead the work of MASE.

My active participation in MASE has allowed me to broaden my knowledge and perspective of the vast needs and varied work of our members throughout the state. I believe that for the MASE organization to continue to be a strong voice in education in Minnesota, we need to continue to build our membership and engage our members in taking an active role in the work of MASE. Further, through building intentional, powerful, and collaborative relationships with our partner organizations, we will improve educational outcomes not only for students with disabilities but for all students.

My priorities:

- Serve and support MASE members' leadership needs as identified by the members of the organization.
- Proactively advocate for policies and legislation that keep the needs of children at the forefront.
- Deliver high quality professional development that is engaging, relevant, and provides support and mentorship to both new and veteran school leaders.
- Build and strengthen the collaborative relationships between MASE and partner organizations in education to promote innovative and effective instructional practices for all children.



Mary Clarkson

As members of MASE, we have a responsibility to work together to strengthen and build our organization. MASE brings a voice to education in Minnesota that is critical not only to the students we serve – children with disabilities - but also for moving education forward in Minnesota. Thank you for your dedicated service in supporting the needs of children with disabilities in Minnesota. It would be an honor to serve as your next president-elect.

**Visit the MASE Website!**

The MASE Website is a resource for you! You'll find many member resources including the MASE calendar, publications, model contracts, legislative hot topics and more...

[www.mnase.org](http://www.mnase.org)

**Watch your email for the 2015 Election Ballots!**

Once again this year's elections will be conducted online. Electronic ballots will be emailed during the week of March 16th. Be sure to watch your email for your login information! Ballots need to be completed by Monday, April 13th.

# Congratulations!

**Renaë Ouillette,**  
2015 MASE  
Special Education  
Administrator of the  
Year

**Heidi Hahn, 2015**  
New Special  
Education Leader  
Award



These individuals are representatives of the leadership excellence found in MASE members: the willingness to risk, strong communication skills, a progressive change agent with high expectations for self and others, and their commitment to shaping policies and practices which impact the quality of education for children with disabilities.

Renaë and Heidi will be honored during the 2015 MASA/MASE Spring Conference. You can learn more about the awards and the accomplishments of the recipients by reading the press releases available on the MASE website.

**Plan to attend the  
2015 MASE  
Best Practices Conference  
May 6-8, 2015 at  
Madden's Lodge, Brainerd  
Registration Coming Soon!**

## MASE Calendar

### 2015

Friday, March 6  
MDE Director's Forum, St. Paul

Wednesday, March 11  
MASE New Leaders Cohort, Brooklyn Park

Wednesday, March 11  
MASE Board of Directors Meeting, Brooklyn Park

Thursday-Friday, March 12-13  
MASA/MASE Spring Conference, Brooklyn Park

Friday, April 3  
Spring Holiday - MASE Offices Closed

Monday, April 6  
MASE New Leaders Year 2, Monticello

Wednesday - Saturday, April 8 -11  
CASE CEC, San Diego, CA

Thursday, April 16  
MASE Leadership Issues, Sauk Rapids

Wednesday, May 6  
MASE New Leaders Cohort, Madden's

Wednesday - Friday, May 6-8  
MASE Best Practices Conference, Madden's

Friday, May 15  
MDE Director's Forum, St. Paul

Monday, May 25  
Memorial Day Holiday - MASE Offices Closed

Thursday-Friday, June 18-19  
MASE Board of Directors Retreat, Minneapolis

Friday, September 11  
MDE Director's Forum, St. Paul

Wednesday - Friday, October 21-23  
MASE Fall Leadership Conference, Brainerd

Friday, December 4  
MDE Director's Forum, St. Paul

### 2016

Thursday-Friday, March 10-11  
MASA/MASE Spring Conference, Brooklyn Park

Wednesday-Friday, May 4-6, 2016  
MASE Best Practices, Brainerd